

**Amendment and Response**

Applicant: Debargha Mukherjee et al.

Serial No.: 10/724,284

Filed: Nov. 26, 2003

Docket No.: 200310816-1

Title: METHOD AND APPARATUS FOR APPLYING RECEIVING ATTRIBUTES USING CONSTRAINTS

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**REMARKS**

The following remarks are made in response to the Office Action mailed Oct. 23, 2008. Claims 11-19, 33, 34, and 37-44 were rejected. With this Response, claims 11, 33, and 34 have been amended. Claims 11-19, 33, 34, and 37-44 remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 103**

Claims 11-19, 33, 34, and 37-44 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,953,506 (Kalra) in view of Mukherjee et al., Proposals for end-to-end Digital Item Adaptation using Structured Scalable Meta-Formats (SSM) (Mukherjee).

Claim 11 recites, *inter alia*:

receiving a scalable encoded bitstream comprising scalable encoded media data and values of non-media-type-specific scalability attribute variables defining different adaptation points of the scalable encoded media data;

obtaining receiving attributes for a destination of an outbound version of the scalable encoded bitstream, wherein ones of the receiving attributes define explicit constraints on the outbound version of the scalable encoded bitstream in terms of respective functions of ones of the scalability attribute variables;

determining values of adaptation measures from respective evaluations of the functions based on the values of the ones of the scalability attribute variables;

ascertaining a set of one or more candidate ones of the adaptation points of based on imposition of the constraints on the determined values of the adaptation measures;

selecting an adaptation point from the set of candidate adaptation points without regard to the scalable encoded media data; and

transcoding the scalable bit stream in accordance with the selected adaptation point to produce the outbound version of the scalable encoded bitstream.

Neither Kalra nor Mukherjee teach or suggest “obtaining receiving attributes for a destination of an outbound version of the scalable encoded bitstream, wherein ones of the receiving attributes define explicit constraints on the outbound version of the scalable

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encoded bitstream in terms of respective functions of ones of the scalability attribute variables” as recited in claim 11. In addition, neither Kalra nor Mukherjee teach or suggest “determining values of adaptation measures from respective evaluations of the functions based on the values of the ones of the scalability attribute variables” as recited in claim 11.

As set forth the amendment and response filed on September 17, 2008, Kalra does not teach or suggest the “obtaining”, “determining”, “ascertaining”, “selecting”, or “transcoding” features recited in claim 11. The Office Action did not respond to these arguments and merely repeated citations of alleged teachings for each of these features of claim 11.

The Office Action concedes that “Kalra does not explicitly indicate that the constraints are determined based on functions.” Office Action, p. 3. The Office Action, however, fails to identify a teaching or suggestion of the above features of claim 11 in Mukherjee.

In the alleged teaching of Mukherjee set forth in the Office Action on p. 4, the Office Action does not assert that Mukherjee teaches or suggests “wherein ones of the receiving attributes define explicit constraints on the outbound version of the scalable encoded bitstream in terms of respective functions of ones of the scalability attribute variables” or “determining values of adaptation measures from respective evaluations of the functions based on the values of the ones of the scalability attribute variables” as recited in claim 11. Instead, the Office Action merely asserts that “[i]t would have been obvious ... .” Office Action, p. 4. Thus, the Office Action fails to identify a teaching or suggestion of the above features of claim 11 in Mukherjee.

Because the Office Action concedes that Kalra does not teach or suggest the above features of claim 11 and does not identify a teaching or suggestion of the above features of claim 11 in Mukherjee, the Office Action has failed to set forth a *prima facie* case of obviousness under U.S.C. §103(a). Accordingly, Applicant respectfully requests that the rejection of claim 11 and claims 12-19 and 37-44 which depend from claim 11 under 35 U.S.C. §103(a) be withdrawn.

Applicants respectfully submit that claims 33 and 34 patentably distinguishes over the cited references for at least the reasons given above for claim 11. Accordingly, Applicants

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respectfully request that the rejection of claim 33 and 34 under 35 U.S.C. §103(a) be withdrawn.

**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 11-19, 33, 34, and 37-44 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 11-19, 33, 34, and 37-44 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application. Any inquiry regarding this Amendment and Response should be directed to Christopher P. Kosh at Telephone No. (512) 241-2403, Facsimile No. (512) 241-2409. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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